

**Minutes of the Ashburnham Zoning Board of Appeals
September 9, 2010**

Present: David Perry, Chairman, Joseph Daigle, Terry Girouard, Rich Archer,
Mark Carlisle, Cheryl Anderson and Town Counsel Debra Phillips

Absent: No one

Hearing: 10-5 7:30 PM
Special Permit: Sec. 5.5

1. Dave opens hearing @ 7:35 hrs, introducers board
 - A. Explains reason for meeting in great hall
 - B. Asks if AT&T has transmitters on the existing tower?
 - (1) Mr. Baupre (for Verizon) answers that they are in fact transmitting from the tower
 - C. David asks town counsel if AT&T might have been grandfathered and that the tower was not abandoned
 - (1) Yes
2. Mr. Peter Orni (abutter) speaks to the board reminding them of the Town By-Law
3. Discussion on certificate of continued safe operation by tower owner which has never been received by the Building Commissioner
4. Mr. Orni again speaks to the bylaw and its requirements
 - A. Answered by David
 - B. Answered by Town Counsel
5. David asks Terry if he has any concerns.
 - A. Terry asks applicant if they could use the old building rather than install a new one.
 - (1) They will look into it
6. David asks if a gate with lock box could be installed.
 - A. answered – yes
7. Applicant's lawyer states they would prefer not to use existing building
 - A. discussion
 - B. Mark speaks to the site being a real mess and unsafe
 - C. Applicants lawyer speaks to other sites and their size & condition
 - (1) Not feasible to renovate a building when only a small space is needed
8. Cheryl speaks to cleaning up site
 - A. Asks if old building can be removed?
 - B. David speaks to having two separate issues here: owner & tenant

9. Town counsel speaks to using the same building by all users
 - A. Not acceptable by today's standards
10. Mark suggests that David meet on site with Building Commissioner and American Tower representative to discuss building & site conditions
11. David asks if Verizon would use building if American Tower fixed it up
 - A. Answer: applicant's lawyer – not feasible
12. Terry does not feel that the answers given tonight are what he expected
 - A. Applicant's lawyer speaks to Building Commissioner – inspecting building
 - B. Town Counsel speaks
13. Rich speaks to having tower and Building Commissioner
 - A. Town Counsel
 - B. David speaks
 - C. Mark speaks
14. David asks board if they have any questions
15. David asks applicant what is the number of antenna's requested
 - A. 12 maybe
 - B. David suggest more
 - C. Town Counsel addresses subject
 - D. 15 asked for
16. David asks if anyone has anything further to add
 - A. Mr. Orni speaks to Zoning by-Laws have certain height limits and that by taking parts on and off have made the tower non-conforming
 - B. Mr. Orni speaks with Town Counsel
 - C. David speaks to staying on point of hearing
17. Applicant's lawyer states the tower was strengthened in 1972 and has remained at its present height since then
18. David closes hearing @ 8:30 PM
 - A. Explains deliberation, decision time, appeal time and procedure
19. David asks board if they want to deliberate
 - A. Yes
20. Cheryl makes motion to enter into deliberation
 - A. 2nd – Terry
 - B. Vote – unanimous to deliberate @ 8:42 pm

21. Cheryl makes motion to GRANT APPEAL as requested with conditions
 - A. Wave section of one building per site #5.5.6c
 - B. Change request from 12 to 15 antennas
 - C. Bond in the amount of \$10,000 to cover removing their building within one year of no longer being a tenant.
 - D. 2nd by Joe
 - E. Vote Unanimous to GRANT
22. Joe makes a motion to adjourn
 - A. 2nd – David
 - B. Vote – unanimous @ 8:58 PM

Respectfully submitted,

Joseph B. Daigle, Clerk